

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

CHRISTOPHER ANDREW, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 12-03081-CV-S-DW
	)	
BLH DEVELOPMENT COMPANY, LLC, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Before the Court is the Motion to Withdraw (Doc. 82) filed by Anna Morrissey, counsel for Bernard Childs. Mr. Childs is the sole remaining Plaintiff in this action, as all claims of all of the other Plaintiffs have been dismissed with prejudice. Ms. Morrissey moves for leave to withdraw as counsel for Mr. Childs, alleging that she is unable to represent him due to his refusal to communicate with her. To date, Mr. Childs has not filed any response or opposition to the motion. Defendants, however, have filed Suggestions in Opposition (Doc. 85) to the motion.

Rule 1.16(b) of the Model Rules of Professional Conduct provides several bases for permissive withdrawal, including where “the representation ... has been rendered unreasonably difficult by the client” or for “other good cause.” In this matter, since December 22, 2014, Ms. Morrissey has attempted to contact Mr. Childs multiple times by regular mail, certified mail, email, and telephone regarding this action, but has received no response whatsoever from Mr. Childs. As a result, the Court finds that Mr. Childs’ refusal to communicate with his attorney for nearly one year has made the representation unreasonably difficult.

Defendants object to the motion to withdraw “because Ms. Morrissey has entered into a settlement agreement on behalf of Mr. Childs, and it appears Mr. Childs may be attempting to

back out of the settlement.” Defendants argue that they will be prejudiced if the motion is granted and Mr. Childs does not follow through with the settlement agreement. They also claim that they have no way to contact Mr. Childs. Upon review, the Court finds these arguments unpersuasive. First, Defendants have filed a Motion to Enforce Settlement Agreement (Doc. 84) as to Mr. Childs, which is not yet fully briefed. Whether Mr. Childs is represented by Ms. Morrissey, retains new counsel, or proceeds pro se will have no bearing on the relief requested in the motion to enforce settlement. Thus, Defendants will not be prejudiced if the motion to withdraw is granted. Furthermore, just like Ms. Morrissey, Defendants have the ability to contact Mr. Childs at his last known address as set forth in the exhibits attached to the motion to withdraw. Based on the foregoing, the Court concludes that the motion to withdraw should be granted. It is therefore ORDERED that:

1. The Motion to Withdraw (Doc. 82) is GRANTED;
2. Anna Morrissey is granted leave to withdraw as counsel for Bernard Childs;
3. On or before January 8, 2016, Mr. Childs shall serve and file a written statement, setting forth his intent regarding this action;
4. Briefing on Defendants’ Motion to Enforce Settlement (Doc. 84) is stayed pending Mr. Childs’ response to this Order;
5. Failure to respond to this Order will result in the dismissal with prejudice of Mr. Childs’ claims without further notice; and
6. The Clerk of the Court shall mail a copy of this Order to Mr. Childs at his last known address by certified mail, return receipt requested.

SO ORDERED.

Date: December 22, 2015

/s/ Dean Whipple  
Dean Whipple  
United States District Judge